1972. No. 111 [C]

MINISTRIES OF NORTHERN IRELAND

Transfer of Functions and Adaptation of Enactments

ORDER IN COUNCIL*, DATED 29TH MARCH 1972, MADE UNDER SECTION 4 OF THE MINISTRIES ACT (NORTHERN IRELAND) 1944.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GREY OF NAUNTON

WHEREAS by section 4 of the Ministries Act (Northern Ireland) 1944(a) (in this Order referred to as "the Act"), it is provided that the Governor of Northern Ireland may, from time to time, by Order in Council assign to any department, or transfer to any department from any other department, such functions as appear to the said Governor to be appropriate for such assignment or transfer; that each department shall have and may exercise such functions as may be specified by such an Order in Council; and that such an Order in Council may make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Act, including provisions for such matters as are mentioned in section 4(2) of the Act:

AND WHEREAS by section 4(5) of the Act it is provided that the said Governor shall not be recommended to make an Order in Council under the said section 4 (other than an Order in Council made for the purposes of section 1 or 2 of the Act) until a draft thereof has lain before each House of Parliament for the statutory period, and that if either House of Parliament within that period resolves that no further proceedings be taken in relation thereto, no further proceedings shall be so taken, but without prejudice to the preparation of a fresh draft:

AND WHEREAS it is expedient that provision, as hereafter appearing in this Order, should be made in relation to certain purposes other than the purposes of section 1 or 2 of the Act, and, accordingly, this Order was laid in draft before each House of Parliament for the statutory period, and neither House of Parliament during that period passed any resolution in relation thereto:

NOW, THEREFORE, I, RALPH FRANCIS ALNWICK, BARON GREY OF NAUNTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Officer of the Most Excellent Order of the British Empire, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland in exercise of the powers conferred by section 4 of the Act, do hereby order as follows:—

(a) 1944. c. 14.

*A draft of this Order in Council was laid before the Senate on 15th February 1972, and before the House of Commons on 9th February 1972, and lay for the statutory period.

Citation, etc.

1.—(1) This Order may be cited as the Ministries (Transfer of Functions) Order (Northern Ireland) 1972.

(2) In this Order—

"Ministry" includes a Minister;

"transfer date" means the 1st day of April 1972;

"transferor" and "transferee" respectively mean, in relation to any functions transferred under this Order, the Ministry from which and the Ministry to which the functions are transferred.

(3) This Order shall have effect subject to the provisions of any Order in Council which may hereafter be made under section 4 of the Act.

Transfer of certain functions of Ministry of Home Affairs

2. The functions exercisable immediately before the transfer date by the Ministry of Home Affairs under or for the purposes of the enactments set out in Schedule 1 shall be and are hereby, transferred as from the transfer date to the Ministry of Development.

Transfer of certain functions of Ministry of Health and Social Services

3.—(1) Subject to paragraphs (2) and (3) the functions exercisable immediately before the transfer date by the Ministry of Health and Social Services under or for the purposes of the enactments set out in Part I of Schedule 2 shall be, and are hereby, transferred as from the transfer date to the Ministry of Development.

(2) The functions exercisable immediately before the transfer date under or for the purposes of the enactments set out in Part II of Schedule 2 shall not be transferred by virtue of this Order.

(3) The functions exercisable immediately before the transfer date by the Ministry of Health and Social Services under or for the purposes of the enactments set out in Schedule 3 shall be, and are hereby, transferred as from the transfer date to the Ministry of Agriculture.

Transfer of certain functions of Ministry of Development

4.—(1) The functions exercisable immediately before the transfer date by the Ministry of Development under or for the purposes of the enactments set out in Part I of Schedule 4 shall be, and are hereby, transferred as from the transfer date to the Ministry of Home Affairs.

(2) The functions exercisable immediately before the transfer date by the Ministry of Development under or for the purposes of the enactments set out in Part II of Schedule 4 shall be, and are hereby, transferred as from the transfer date to the Ministry of Agriculture.

Effect of Order

5. The Notification entitled "Assignment of Functions to Departments" issued by the Lord Lieutenant of Ireland on 7th June 1921 and altered by subsequent enactments, shall so far as it relates to any transferor or transferee, have effect subject to this Order.

References in enactments, etc., to transferor

6.—(1) The following provisions of this Article shall apply in relation to the functions transferred by this Order.

(2) In the construction and for the purposes of any enactment (including the enactments set out in the Schedules), judgment, decree, order, award, deed, contract, regulation, rule, byelaw, certificate or other document passed or made before the transfer date, any reference to, or which is to be construed as a reference to, the transferor, shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the transferee.

(3) The transfer shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the transferor before the transfer date, but any such matter shall, if in force immediately before that date, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the transferee.

(4) Anything commenced before the transfer date, by or under the authority of the transferor, may, so far as it relates to any functions transferred, be carried on or completed by or under the authority of the transferee.

(5) Where at the transfer date any legal proceeding is pending to which the transferor is a party, and the proceeding has reference to any of the functions transferred, the transferee shall be substituted in the proceeding for the transferor, and the proceeding shall not abate by reason of the substitution.

Transfer of property, etc.

7. All property, rights and liabilities held, enjoyed or incurred before the transfer date by the transferor in connection with the functions transferred to the transferee by this Order shall be transferred to the transferee as from the transfer date; and, accordingly, as from that date by virtue of this Order and without any further conveyance, transfer, or assignment—

(*a*) the said property, real or personal, shall vest in the transferee;

(*b*) the said rights shall be enjoyed by the transferee; and

(*c*) the said liabilities shall become liabilities of the transferee.

Modification and adaptation of enactments

8.—(1) The enactment described in column 1 of Schedule 5 shall have effect subject to the modifications specified in relation thereto in column 2 of that Schedule.

(2) There shall be made in every local and personal Act and public general Act of a local character such modifications and adaptations as may be required to bring it into conformity with the provisions of this Order.

Given at Government House, Hillsborough, this 29th day of March 1972.

Brian Faulkner
John L. O. Andrews
Herbert V. Kirk
W. K. Fitzsimmons
W. J. Long
H. W. West
Robin Bailie
Roy H. Bradford
W. Basil McIvor
N. O. Minford
John Brooke
G. B. Newe
Basil Kelly

SCHEDULE 1

Enactments relating to functions transferred from the Ministry of Home Affairs to the Ministry of Development

The Roads Improvement Act (Northern Ireland) 1928(b), section 13 in so far as it relates to the conducting of experiments in connection with road traffic;

The Special Roads Act (Northern Ireland) 1963(c), section 17(3), (4), (5) and (6);

The Transport Act (Northern Ireland) 1967(d), section 66(3) and (6);

The Road Traffic Act (Northern Ireland) 1970(e), sections 19(2), 23(4), section 25 in so far as it relates to functions which are transferred to the Ministry of Development under this Order, section 60 and sections 89 to 101 and 107 to 113;

Any enactment in force at the transfer date amending or extending the above-mentioned enactments.

(b) 18 & 19 Geo. 5. c. 10 (N.I.).
(c) 1963. c. 12 (N.I.).
(d) 1967. c. 37 (N.I.).
(e) 1970. c. 2 (N.I.).